

Disdon DP

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket No.

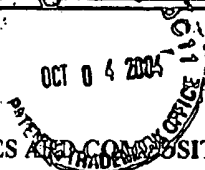
482.08

In re Application of: Michael J. Mahan, et al/

Application No. 09/927,765

Filed: 08/09/2001

For: METHOD OF CREATING ANTIBODIES AND COMPOSITIONS USED FOR SAME



The owner, The Regents of the University of California of 100.00 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/928,227, filed on 08/09/2001.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

3. Owner/applicant is ☒ Small entity ☐ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is \$55.00 and is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 16-1331.
☐ Payment by credit card. Form PTO-2038 is attached.

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PTO suggested wording for terminal disclaimer was

- ☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)

David J. Aston

Signature

Name and Address of Person Signing

David J. Aston

Reg. No. 28,051

PETERS, VERNY, JONES & SCHMITT, LLP

425 Sherman Avenue, Suite 230

Palo Alto, CA 94306

10/05/2004 HALI11 00000072 09927765

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55.00 0P

Dated: 09/30/2004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 9/30/04.
(Date)

Joan I. Abriam
Signature of Person Mailing Correspondence

Joan I. Abriam

Typed or Printed Name of Person Mailing Correspondence

PTO/SB/17 (10-03)
 Approved for use through 07/31/2006. OMB 0651-0032
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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FREE TRANSMITTAL for FY 2004
 Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$440.00

Complete if Known

Application Number	09/927,765
Filing Date	08/09/2001
First Named Inventor	Michael J. Mahan
Examiner Name	Field, Tammy K
Art Unit	1645
Attorney Docket No.	482.08

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 16-1331

Deposit Account Name: Peters Vervy Jones & Schmitt

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																								
1051 130	2051 65	Surcharge - late filing fee or oath																									
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet																									
1053 130	1053 130	Non - English specification																									
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination																									
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action																									
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action																									
1251 110	2251 55	Extension for reply within first month																									
1252 420	2252 210	Extension for reply within second month																									
1253 950	2253 475	Extension for reply within third month																									
1254 1,480	2254 740	Extension for reply within fourth month																									
1255 2,010	2255 1,005	Extension for reply within fifth month																									
1401 330	2401 165	Notice of Appeal																									
1402 330	2402 165	Filing a brief in support of an appeal																									
1403 290	2403 145	Request for oral hearing																									
1451 1,510	1451 1,510	Petition to institute a public use proceeding																									
1452 110	2452 55	Petition to revive - unavoidable																									
1453 1,330	2453 665	Petition to revive - unintentional																									
1501 1,330	2501 665	Utility issue fee (or reissue)																									
1502 480	2502 240	Design issue fee																									
1503 640	2503 320	Plant issue fee																									
1460 130	1460 130	Petitions to the Commissioner																									
1807 50	1807 50	Processing fee under 37 CFR § 1.17(q)																									
1806 180	1806 180	Submission of Information Disclosure Statement																									
8021 40	8021 40	Recording each patent assignment per property (times number of properties)																									
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))																									
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))																									
1801 770	2801 385	Request for Continued Examination (RCE)	385.00																								
1802 900	1802 900	Request for expedited examination of a design application																									
Other fee (specify) <u>Terminal Disclaimer</u>			55.00																								
SUBTOTAL (1) (\$)																											
2. EXTRA CLAIM FEES FOR UTILITY AND																											
<table border="1"> <thead> <tr> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total Claims -20** = 0</td> <td>X</td> <td>0.00</td> </tr> <tr> <td>Independent Claims -3** = 0</td> <td>X</td> <td>0.00</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> </tr> </tbody> </table>			Extra Claims	Fee from below	Fee Paid	Total Claims -20** = 0	X	0.00	Independent Claims -3** = 0	X	0.00	Multiple Dependent															
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SUBTOTAL (2) (\$)			\$0.00																								
SUBTOTAL (3) (\$)			\$440.00																								

SUBMITTED BY

Name: David J. Aston

Registration No. (Attorney/Agent): 28,051

Telephone: (650) 324-1677

Signature: *David J. Aston*

Date: September 30, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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